

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ADELAIDO GALEANA and NICOLAS
GALEANA, *individually and on behalf of*
others similarly situated,

Docket No.: 14-cv-03625 (VSB)

Plaintiff,

-against-

MAHASAN INC. (D/B/A ENTHAICE)
and JUNTIMA NETPRACHAK,

**AFFIRMATION OF MICHAEL
FAILLACE IN SUPPORT OF
REQUEST FOR THE ISSUANCE OF
A CERTIFICATE OF DEFAULT**

Defendants.

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Michael Faillace, an attorney duly admitted to practice law in the State of New York and in this court, affirms under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Managing Partner of the law firm of Michael Faillace & Associates, P.C., attorneys for Plaintiffs, Adelaido Galeana and Nicolas Galeana, and Party Plaintiffs, Subongkot Longwilai, Mario Perez, Sergio Herrera, Tomas Batista, Genaro Galenana, and Enrique Martinez, in the above-captioned matter. As such, I am fully familiar with the facts set forth herein.

2. I submit this Affirmation in support of Plaintiff, Adelaido Galeana, and Party Plaintiff, Subongkot Longwilai's¹, request for the issuance of a Certificate of Default against Defendant Mahasan Inc. (d/b/a Enthaiace) ("Corporate Defendant").²

¹ Only Plaintiff Adelaido Galeana and Party Plaintiff Subongkot Longwilai are requesting a Certificate of Default because the other named Plaintiff and Party Plaintiffs are subject to an arbitration agreement and, therefore, cannot pursue their claims in court.

² Plaintiffs are seeking a Certificate of Default against Defendant Mahasan Inc. (d/b/a Enthaiace) only because the individual Defendant, Juntima Netprachak, filed for Chapter 7 bankruptcy protection.

3. Plaintiffs Adelaido Galeana and Nicolas Galeana commenced this action against Defendants Mahasan Inc. (d/b/a Enthaiace) and Juntima Netprachak (“Defendants”) on May 20, 2014 by filing a Complaint (Dkt. No. 2).

4. On September 9, 2014, Defendants filed an Answer to the Complaint (Dkt. No. 9).

5. On December 22, 2014, Subongkot Longwilai filed a Notice, consenting to become a Party Plaintiff under the Fair Labor Standards Act (Dkt. No. 17).

6. On February 22, 2021, Defendants’ counsel filed a Motion to Withdraw as Attorney for Defendants pursuant to Local Civil Rule 1.4. (Dkt. Nos. 135, 136 and 137).

7. On February 23, 2021, the Court issued an Order granting Defense Counsel’s Motion to Withdraw as Attorney and directing, in part, Defendants to file a Notice of Appearance on or before March 26, 2021 (Dkt. No. 138).

8. On March 3, 2021, service of Defense Counsel’s Motion to Withdraw as Attorney was properly effectuated on Defendants (Dkt. No. 139).

9. On March 3, 2021 and March 4, 2021, service of the February 23, 2021 Order was properly effectuated on Defendants (Dkt. Nos. 139 and 140).

10. On March 26, 2021, Defendants failed to file a Notice of Appearance.

11. On March 29, 2021, the Court issued an Order directing, in part, Plaintiffs to seek a default judgment by April 29, 2021 (Dkt. No. 141).

12. On April 5, 2021, service of the March 29, 2021 Order (Dkt. No. 141), was properly effectuated on Defendants (Dkt. No. 142).

13. Upon information and belief, Defendants are neither infants nor incompetent persons and are not in the military.

14. Defendants’ time to file a Notice of Appearance has long expired.

15. Accordingly, Plaintiff, Adelaido Galeana, and Party Plaintiff, Subongkot Longwilai, respectfully request that the Court issue a Certificate of Default against the Corporate Defendant, Mahasan Inc. (d/b/a Enthaice).

16. Filed herewith is a proposed Certificate of Default against the Corporate Defendant.

17. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
April 29, 2021

/s/ Michael Faillace
Michael Faillace, Esq.
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